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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,737	02/09/2004	James R. Vargo	VD06/03	9217

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EXAMINER

MULLINS, BURTON S

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,737

Applicant(s)

A

VARGO ET AL.

Examiner

Burton S. Mullins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Ooi (US 5,491,371). Ooi teaches a motor stator and heat sink system including: a plurality of similarly configured plates 31 (fit together in substacks 30) having an essentially circular exterior peripheral ring with an exterior diameter and an essentially circular interior opening with a plurality of radial legs extending inwardly from the ring (Fig.3); and a plurality of similarly configured thin fins (laminations) 10 having an essentially circular exterior peripheral ring with an exterior diameter (Fig.1) and an essentially circular interior opening with a plurality of radial legs extending inwardly from the ring (Fig.1), the exterior diameter of the fins (protrusions 14) being greater than the exterior diameter of the plates (c.3, lines 12-22; Figs.1,1a,4&6); the plurality of plates 31 in stacks 30 with their rings and openings and spaces in alignment (Figs.1&3) and a plurality of fins each fin being located between a stack of plates, the rings and openings and spaces of the fins being in alignment with the rings and openings and spaces the plates (c.3, lines 12-14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ooi (US 5,491,371) in view of Gfroerer (EP 342 332). Ooi teaches applicant's motor heat sink system but does not teach "a coupling assembly including a plurality of symmetrically spaced apertures in the ring of each fin, the apertures being in axial alignment and located radially exterior the rings of the plates."

Gfroerer, meanwhile, teaches a motor stator comprising plural circular lamination plates 6 stacked in groups and a coupling assembly including a plurality of symmetrically spaced apertures 12 in the ring of fins (square laminations) 5 (Figs.4&5), the apertures being in axial alignment (to accept bolts 13) and located radially exterior the rings of the plates 6. The apertures provide easy insertion of bolts which hold the stator together (c.1, lines 48-54; c.2, lines 49-54).

It would have been obvious to modify Ooi and provide apertures in the fins per Gfroerer since this would have been desirable to hold the stator together.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ooi (US 5,491,371) in view of Shibata et al. (JP 63-55377). Ooi teaches applicant's motor heat sink system but does not teach a layer of adhesive.

Shibata et al. (JP 63-55377). Shibata teaches coating the outside of a compressor motor with an adhesive comprising sound-insulating and vibration-regulating paint for purposes of noise reduction (abstract).

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It would have been obvious to modify Ooi and provide an adhesive per Shibata to provide sound insulation and vibration regulation.

Allowable Subject Matter

6. Claim1 is allowed. The prior art does not teach the claimed motor stator heat sink system including, inter alia, stator legs “having parallel, essentially radial, edges along the majority of their lengths with enlargements adjacent to the interior opening, small spaces between the enlargements adjacent to the opening and wedge shaped spaces between the legs along the majority of their extents” combined with the feature of a “radius of the interior opening being less than the radial dimension of the legs and the radial dimension of the ring being less than the radius of the interior opening.”

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status

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information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free).



Burton S. Mullins
Primary Examiner
Art Unit 2834

bsm

25 February 2005